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C O N F I D E N T I A L SECTION 01 OF 04 VIENTIANE 000144

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DEPARTMENT FOR EAP/MLS (BESTIC), PRM/FO (DAS GREENE),
DRL/AWH (ORONA), AND IO/FO (DAS WARLICK AND LAGON); BANGKOK
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SUBJECT: UNHCR AND ICRC REGIONAL REPRESENTATIVES DISCUSS
HMONG ISSUES

REF: A. BANGKOK 0596

[1](#)B. VIENTIANE 0110

[1](#)C. 06 VIENTIANE 1205

[1](#)D. 06 VIENTIANE 1045

Classified By: Ambassador Patricia M. Haslach: reasons 1.4 (b) and (d)

[1](#)1. (C) Summary: The Ambassador met with Bangkok-based representatives of both UNHCR and ICRC to review the recent spurt of issues relating to the problems the Government of Laos (GOL) has with its Hmong minority. Both UNHCR and ICRC help hold keys to resolving Hmong issues, from the decades-old but dwindling insurgency to dealing with the thousands of Lao Hmong in Thailand, including the 8000 at the holding camp in Petchabun Province. Unfortunately, the GOL is missing opportunities -- neither UNHCR nor ICRC have been able to make appointments with GOL officials during their visits. Fortunately, both take their responsibilities seriously and will continue to try to establish and expand their relationships with the GOL. For UNHCR, that means a possible visit by Erika Feller, UNHCR's Director of International Protection, in April. End summary.

UNHCR MEETING

[1](#)2. (SBU) The Ambassador met with Mr. Hasim Utkan, UNHCR's Bangkok-based Regional Representative, and his Deputy, Mr. Giuseppe de Vincentis, on February 20 to discuss a range of issues relating to the Hmong minority group. The UNHCR has not had a presence in Laos since the GOL asked it to stop operations and leave as of December 31, 2001.

The Nong Khai Group (152 2)

[1](#)3. (C) Mr. Utkan called Nong Khai, where more than 150 Lao Hmong have been held for an extended period, "a no man's land." Although the Thai Prime Minister, after an unsuccessful attempt on January 30 to deport this group to Laos (even though all had UNHCR refugee determination -- ref A), had promised that resettlement abroad would be considered, Utkan pointed out that no one has been allowed access to the group since. One problem is that the Thai and Lao had reached a bilateral agreement to deport the group as illegal migrants, and the Thais say the Lao side insists the agreement be carried out. Both U.S. and Australian refugee

processing officers have been on standby for more than a week, but the Thais continue to deny access. It is unclear when this will be resolved. Utkan expressed appreciation to the Ambassador for the Embassy having sent a PolOff to Nong Khai (in coordination with Embassy Bangkok) to help monitor the situation on January 30. (Note: the basic group included 152 people; since then 2 babies have been born.)

14. (C) Utkan also noted tension between the Thais and the Lao over the failed deportation may be affecting his attempts to improve relations between UNHCR and the Lao at this time. Although the Government of Laos (GOL) is aware that he is visiting Vientiane this week, GOL officials are choosing not to meet with him. GOL-UNHCR relations have been difficult for some time. The new Lao Ambassador in Bangkok has chosen not to meet with Utkan. So in Vientiane, Utkan is limited to meeting with UN officials as well as a range of other ambassadors including those from Germany (the current EU President), France, and Australia.

15. (C) One of the messages Utkan is trying to make clear during his discussions here is that the 152 (2) have all been screened and have all been officially designated as refugees. Utkan noted that the High Commissioner sees this group as important because Thailand has never deported recognized refugees before. If the deportation were to happen, it would be a bad precedent. Moreover, UNHCR is concerned about the Thai and Lao reaching a bilateral agreement about this group -- concerned that this type of bilateral agreement could itself be a bad precedent when dealing with refugee groups. Thus UNHCR is considering the fate of this 152 2 group to be an issue of principle. The Ambassador opined this group may still be at risk of local Thai authorities deciding unilaterally to push the group back

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to Laos to honor the bilateral agreement. Utkan agreed the situation is unpredictable and noted that no one is really sure who is making decisions in Thailand at this time.

The Petchabun Group

16. (C) Utkan provided the Ambassador a copy of a revised "Proposal for Joint Plan of Action: Laos Hmong in Thailand," which he said had just been completed on February 16 (copy e-mailed to EAP/MLS, PRM, and Embassy Bangkok). The goal is an integrated solution to resolve the long-term situation of the Hmong at the holding camp in Thailand's Petchabun Province -- now numbering 8000. UNHCR has been trying to negotiate a solution for the Petchabun situation since July 2005, insisting on screening as a component. Utkan said the Thais have not accepted this and have been especially inflexible since the September 2006 coup.

Screening

17. (C) Utkan noted that the Thais have raised the possibility of returning the Hmong, apparently including the 152 2 as well as the larger Petchabun group, to Laos with third-party monitoring and possible screening of these groups after they have been returned to Laos. Utkan emphasized that there is no "Lao component" to the current issue of the Hmong groups in Thailand. Thailand has responsibility, and the only way to resolve the Petchabun situation is via screening. Monitoring of those who are returned to Laos after being screened out would be a longer-term issue. UNHCR has done monitoring of those who have been voluntarily repatriated in other situations, including in Vietnam.

18. (C) De Vincentis noted the Thais have developed a screening process for Karen refugees; he expressed hope this type of system might be adopted for the Hmong. Utkan agreed Thai cooperation would be essential to resolve the Petchabun situation, noting the Thai army knows a great deal about the Hmong being held, having interviewed them after they entered the holding camp. If UNHCR were to try to start from scratch

on interviewing all 8000, it may take up to two years. If the Thai military were to accept responsibility for "profiling" the group to identify those who actually have a possible claim to refugee status (perhaps 15% of the group), UNHCR could focus its interviews on this smaller group -- speeding up the process significantly. Thailand did pre-screening of other groups in the mid-1980s as well as the 1990s. UNHCR proposed this 18 months ago for the Petchabun group, but the Thais have not responded.

Moving Forward

9. (C) Utkan mentioned that UNHCR is planning for a possible visit to the region of Erika Feller, UNHCR's Director of International Protection in the second half of April. Feller is likely to visit Thailand and Malaysia. UNHCR is evaluating whether she should also visit Laos to try to reopen a dialogue between the GOL and UNHCR so that GOL officials can begin to overcome their suspicions of UNHCR and gain a better understanding of UNHCR's policies and practices. The Ambassador thought a Feller visit would be helpful, although expectations should be modest. The GOL's senior leaders and officials from the GOL's security structure still have only limited exposure to the outside world -- not unlike the situation in North Korea. Thus achieving, for example, a MOU on allowing UNHCR to operate in Laos as the result of one visit would be unlikely. Utkan agreed, pointing out that UNHCR's MOU with Vietnam took a year to negotiate, and that happened after Vietnam had already decided to "change course" in its relations with the rest of the world.

The K52 Visit

10. (C) The Ambassador reviewed the recent MFA-organized trip for Vientiane-based diplomats to meet a Hmong community at Kilometer 52, including a family of 5 returned from Thailand with a group of 50 Lao economic migrants. (Note: none in this group had claimed refugee status -- ref B). We see this

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as a preliminary first step by MFA and are continuing to push for the second trip MFA promised -- to Bolikhamsai Province where a group of 16 Hmong have been pushed back from Thailand. This group of 16 has members linked to the ongoing insurgency, and verifying the status of this group is more important. Moreover, Bolikhamsai is of specific interest, because information from there is rarely released -- including any word on the more than 1000 Hmong who may have surrendered in Bolikhamsai during the past two years (ref C).

The Ambassador praised the role of the German Ambassador, at this point also representing the EU Presidency, in pushing the GOL on the broad range of Hmong-related issues currently underway.

The Children

11. (C) The Ambassador and Utkan reviewed the case of the 26 Hmong children irregularly returned to Laos in December 2005 and now held for more than a year. At one point, there was a rumor that some of the children -- the 21 girls -- might be released by the GOL once the deportation of the 152 2 had taken place (even though there is no apparent logical linkage between the two cases). Still no one believes the five boys -- some of whom have reached age 18 and would no longer be considered "children" -- will be released, especially with information about their mistreatment becoming available. At any rate, with the failure of the January 30 attempt to return the 152 2, the fate of the children remains in limbo.

The issue refuses to go away and remains a benchmark for the international community's perception of the GOL: if the GOL -- a signatory to the Convention on the Rights of the Child -- is not willing to treat these children humanely, how can the GOL be trusted to deal with the larger Hmong issues justly? De Vincentis noted that the group of 152 2 detained in Nong Khai by the Thais includes more than 90 children, and

Thailand is also a signatory to the same Convention.

MEETING WITH ICRC

¶12. (C) International Committee of the Red Cross (ICRC) Regional Delegation Director Fred Grimm and the Ambassador on February 21 discussed the Nong Khai situation and the MFA trip to Kilometer 52. The Ambassador emphasized we will continue to press MFA for the promised trip to Bolikhamsai Province. She assessed the MFA as being increasingly aware of a need to do public relations activities to offset the negative publicity accruing from the January 30 attempted deportation. However these issues move forward, ICRC is being widely viewed as a logical choice as an international monitor within Laos.

¶13. (C) Grimm told the Ambassador that he has talked to UNHCR/Bangkok and the Thai National Security Council (NSC) about ICRC as a potential monitor of returned Lao Hmong, and the NSC had been very supportive. Grimm noted that he had been in Geneva and had discussed Hmong issues at the ICRC Headquarters. ICRC sees that it could play a monitoring role if invited and if minimal conditions are met regarding follow-up. It would not be acceptable for ICRC only to meet a group on arrival and provide a returnee assistance package. The GOL would have to agree to ICRC's subsequent monitoring of the group.

¶14. (C) Grimm noted disappointment that the GOL had not kept an agreement made in relation to the domestic surrender of a group of 354 in the Vang Vieng area in October 2006. The ICRC had coordinated with the Lao Red Cross (LRC) to have the LRC provide assistance to the group members when they surrendered (ref D) with the quiet understanding that ICRC monitors would be able to visit the group after it had been resettled. This monitoring has never happened. If the GOL does not keep its agreements, ICRC will be unable to play a role.

¶15. (C) Like Utkan, Grimm noted that he had been unable to make appointments to meet any Lao officials on this trip. He has been unable to make progress on access to prisons, a major goal. Grimm said he is using his time to meet with members of the Vientiane-based diplomatic community for

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updated information. He plans to be back after the mid-April Lao New Year celebration to hold a seminar with provincial Lao Red Cross officials to discuss ICRC's various roles.

Water Projects

¶16. (C) One area going well for ICRC is water projects, which ICRC has been undertaking for several years. The GOL has approved ICRC expanding its water projects into a fourth area, Phoune District, in the former Saisombun Special Zone -- now part of northern Vientiane Province. Still Grimm felt this is slow progress since it has taken so much time to gain this permission.

Comment

¶17. (C) It is a bit disappointing that both UNHCR's Utkan and ICRC's Grimm have been unable to meet GOL officials during their visits this week. At some point the GOL would have to realize it needs both organizations operating in Laos to effectively resolve the range of problems the GOL has with its Hmong minority -- problems ranging from finally ending a dwindling insurgency to finding a process to return thousands of economic migrants from Thailand. The GOL has little credibility with the international community in terms of its human rights policies; only neutral and respected international organizations like UNHCR and ICRC can help provide that credibility. The Embassy will seek ways to quietly send this message, being careful not to increase GOL

suspensions about U.S.-UNHCR or U.S.-ICRC linkages. Mr. Utkan asked for Embassy support for the visit of UNHCR's Erika Feller, and we will seek opportunities to also push this visit since we believe she would bring a message that GOL officials need to hear.

HASLACH